

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JASON ALLEN EVANS,

Plaintiff,

v.

STATE OF MICHIGAN, et al.,

Defendants.

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Case No. 18-cv-12358

Honorable Thomas L. Ludington  
Magistrate Judge Patricia T. Morris

**ORDER ADOPTING IN PART REPORT AND RECOMMENDATION AND  
DISMISSING COMPLAINT WITHOUT PREJUDICE**

On July 30, 2018, Plaintiff Jason Evans, proceeding *pro se* and *in forma pauperis*, filed a complaint under 42 U.S.C. 1983 against Defendants State of Michigan, Michigan Department of Natural Resources (MDNR), and MDNR Conservation Officers James McAteer and Warren Macneil alleging eight counts: (1) false arrest; (2) false imprisonment; (3) intentional infliction of emotional distress; (4) assault; (5) battery; (6) federal civil rights violation; (7) gross negligence; (8) damages in excess of \$75,000. ECF No. 1. Plaintiff alleges that, on or about July 30, 2016, he was present at Burton Landings Camp Ground in Crawford County Michigan engaged solely in lawful conduct when he was accosted and wrongfully detained by conservation officers.

Pretrial matters were referred to Magistrate Judge Patricia T. Morris. ECF No. 4. Pursuant to 28 U.S.C. § 1915(e) Plaintiff's complaint is subject to *sua sponte* screening for dismissal prior to service of the complaint on Defendants. On August 2, 2018, Judge Morris issued a report, recommending that this Court *sua sponte* dismiss the complaint without prejudice for failure to state a claim. ECF No. 6. Plaintiff raised only one objection, arguing that

he should be granted leave to amend in lieu of dismissal. Plaintiff did not, however, attach a proposed amended complaint pursuant to Local Rule 15.1. Accordingly, Plaintiff was directed to file an amended complaint by November 19, 2018. ECF No. 8. Plaintiff has not done so.

Accordingly, it is **ORDERED** that Judge Morris's report and recommendation, ECF No. 6, is **ADOPTED IN PART**.

It is further **ORDERED** that the complaint, ECF No. 1, is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915(e).

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: December 10, 2018

<p style="text-align: center;">PROOF OF SERVICE</p> <p>The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 10, 2018.</p> <p style="text-align: right;"><u>s/Kelly Winslow</u> KELLY WINSLOW, Case Manager</p>
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